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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/998,893

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Richard P. Sinn

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05/05/2008

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EXAMINER

TESLOVICH, TAMARA

ART UNIT

PAPER NUMBER

2137

MAIL DATE

DELIVERY MODE

05/05/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/998,893

Applicant(s)

SINN ET AL.

Examiner

Tamara Teslovich

Art Unit

2137

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 09 April 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☒ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). 04/09/2008  
13. ☒ Other: Regarding Applicant's Information Disclosure Statement received on April 9, 2008: Applicant's submission is not in compliance with 37 CFR 1.97(d). Applicant has paid the fee as required but has not provided the statement required by 37 CFR 1.97(e). The IDS has been placed in the file but the information therein has not been considered.

/Emmanuel L. Moise/  
Supervisory Patent Examiner, Art Unit 2137

Continuation of 11. does NOT place the application in condition for allowance because: Insofar as the entirety of page 15, paragraphs 1-3 of page 16, paragraph 3 on page 18, and the entirety of pages 19-20 of Applicant's Remarks amount to a copy of those arguments submitted by Applicant in his November 15, 2007 response, the Examiner refers Applicant back to her Final Office action dated February 6, 2008 in which she has already responded to each of these arguments.

In response to Applicant's arguments appearing on pages 16-18 of his remarks, the Examiner respectfully maintains her rejection for the following reasons: The majority of Applicant's remarks amount to a presentation of those citations presented by the Examiner in her previous office action, including those laying out Guheen's Workflow Management tools and Security Management tools. The Examiner would to remind Applicant that her citations are included as exemplary and are not meant to limit the reference to those portions alone. Applicant's claims have been rejected over the Guheen reference in its entirety. Applicant seems to rest his arguments on the fact that Guheen fails to specifically mention "security" within col.72 lines 39-42. The Examiner respectfully disagrees with Applicant's characterization of Guheen, drawing attention to the fact that Guheen's listing is clearly not meant to be all inclusive insofar as he relies upon the phrase "such as" when listing out possible processes that may be controlled by workflows. Furthermore, Guheen clearly lays out that his workflow management can be applied to many processes within the development environment, of which security management is clearly one of those processes. Applicant goes on to argue that although "Guheen states that certificates can be managed Guheen does not disclose a certificate management process, either using workflows or otherwise." The Examiner respectfully disagrees, drawing attention to the entirety of columns 184-186 wherein Guheen provides a significant amount of specificity with regards to the implementation of existing EFT (Electronic funds transfer) systems, ACH (Automated Clearing House) systems, POS (point of sale) systems and other secure payment technologies which utilize certificates in order to conduct commercial transactions. Each of these systems are well known in the art, as is their use of certificates. Guheen goes on in columns 195-201 to provide for the implementation of Electronic License Distribution and Management as well as Electronic Agreements and Rights protection specifying the use of electronic agreements and those security mechanisms inherent to such systems, including electronic certificates that may be used to authorize consumers and merchants. It is based upon these arguments and the reference in its entirety, that the Examiner maintains her rejection of claims 1, 3-14, 16, 18-25, 27, 29-36 and 38-52 as anticipated in its entirety by the Guheen reference.